

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
August 28, 2007**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Brotzman called the meeting to order at 7:07 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Troy, Zondag, and Messes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Myers.

MINUTES

Two changes were made to the July 31, 2007 minutes. Mr. Brotzman wanted to clarify the sixth sentence of the first paragraph on page five by stating the Ohio Department of Transportation will make the final determination "as to the egress onto State Route 84". Ms. Hausch added the word "sewer" after sanitary in the first sentence of the first paragraph on page four.

Ms. Hausch moved to approve the July 31, 2007 minutes with the two changes as stated and Mr. Zondag seconded the motion.

Four voted "Aye".
Ms. Pesec and Mr. Troy abstained.

FINANCIAL REPORT

Mr. Adams moved to approve the Financial Report for July, 2007 as submitted. Mr. Zondag seconded the motion.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

Mr. Condon, Assistant Prosecutor, said there was no legal report.

DIRECTOR'S REPORT

Bylaws Ethics Statement

Mr. Webster said he had received a call from Assistant Prosecutor, Michael DeLeone, suggesting not adding an ethics statement into the Bylaws as it is already covered under state law.

Mr. Troy said the Ethic Commission seminars usually state, when in doubt, it is best to abstain or recuse yourself from a vote. In a situation where you are unclear, you could ask them for an opinion, which when rendered, would become the future rule of thumb. Anyone is welcome to voluntarily file a disclosure statement with the Ethics Commission if they wish.

Because of the numerous comments and questions from the members, Mr. Condon felt it necessary to read the rules as currently stated in the Bylaws in Article I, Subsection D:

Member Shall Disqualify Self

Whenever a matter is brought before the Commission in which a member or a person in a member's immediate family has a financial interest, or the member is a member of another body whereby the member could be prejudiced, he/she shall abstain from discussion or voting.

Member May Disqualify Self

Any member may abstain from discussion or voting if he/she believes that he/she is prejudiced for any reason.

Mr. Condon stated that the Commission could change their Bylaws to include another ethics statement if they wished or choose to sign a paper concerning ethics. The consensus was to leave the Bylaws as they were.

Concord Township Zoning Assistance Report

Mr. Webster brought attention to a letter from the Concord Zoning Inspector, Kathy Mitchell, asking for staff's assistance in a continuing zoning review stemming from the Auburn/Crile Road Study. He was looking for the Commission's consensus to proceed in assisting them.

Ms. Hausch moved to allow the staff to assist Concord Township in the continuing zoning review as requested. Mr. Adams seconded the motion.

Mr. Troy asked if the office would get compensated for staff's time and was told that payment had never been requested from the townships in the past for this type of assistance.

Discussion ensued on the ability and method to use to ask for payment for services in the future. Mr. Troy believed the Interstate 90 and S.R. 44 corridor could become the busiest place in Lake County. Concord Township has the fourth highest property evaluation in this County. He felt they should not continue to be treated as a "ward" of the County, although they did take contributions from businesses in the corridor for the I-90/SR 44 study. Concord is approaching the size of Mentor in traffic patterns.

Ms. Pesec said that by having the Planning Commission's stamp of approval, the Concord Zoning Inspector is able to put forth good recommendations that the Zoning Commission will accept. She felt the zoning text now is much better than what would have come through for that corridor had the Township not had the assistance of the Planning staff.

She did feel that if there was a way to figure out how to charge the townships for some services provided by staff, she would endorse it.

Mr. Brotzman summarized that Mr. Webster and Mr. Troy raised this issue on charging for services rendered and thought the County departments and the County Commissioners should determine where these touchy spots were and the Commissioners should then act on this information. Mr. Brotzman believed that there was nothing that could be resolved at this level.

Mr. Adams suggested the Director should make a determination of what is outside the services that we normally provide to the townships. When that is determined, maybe we could move towards developing a fee schedule for those services.

Mr. Zondag felt he would rather have people he knew giving advice rather than having some of these consultants coming in and giving some lower quality advice at best and the Township getting charged for it, especially when staff winds up having to fix it later. He would like to see the Planning Commission move into a more dynamic role and work with all cities, villages and townships, providing that same advice is given uniformly across the County.

Mr. Webster believed helping Concord Township now, even without a fee, would save the staff a lot of time when these changes come in for review and it would keep us from spending more time to fix an outside sources' work later.

Mr. Troy summarized by saying that they were agreeing with this motion to continue to provide technical support on zoning matters through the Planning Commission to Concord Township. He would expect the staff members providing this service to use reason in doing so where their time and expertise is concerned and to make sure that the staff stays within its realm of responsibility in terms of traffic patterns.

Mr. Brotzman said he would like to see the staff have as many meetings here in this building as possible without bringing staff members to Concord all the time.

All voted "Aye".

Director's Request to Sign for Small Contracts

Mr. Webster continued stating that the staff had been approached by two communities to provide some small contract work. The City of Kirtland would like the staff to do a land-use map by taking existing land-use mapping and digitizing it with minor changes for about \$350. The second contract is to provide a community data sheet for Madison Village for approximately \$400.

Our Bylaws state that all contracts have to be presented and approved through the Commission. Mr. Webster was seeking a way to remove the possible delay of up to one month for a contract to be completed for small work contracts. In checking with other planning commissions most bylaws allowed for the Planning Commission Director to sign for contracted services of an amount under anywhere from \$1,000 to \$5,000. The contract would then be presented to the Commission at the next scheduled meeting so they would be aware of the action taken.

Mr. Condon was consulted and he stated the Commission would need to decide on a dollar limit and then give the Director the authority to make any contract under that limit. A \$2,500 limit was suggested by the membership and agreed to by Mr. Webster.

Mr. Webster further informed the Commission that Fairport Harbor has also asked for a quote to do some work with their zoning. Staff is currently working on a cost estimate for these services.

Mr. Troy did not want to see \$5,000 worth of work being done for \$2,500. Mr. Webster assured him that would not be a problem.

Mr. Zondag moved to allow the Planning Commission Director to enter into and sign contracts for services amounting to \$2,500 or less without waiting for approval by the Commission subject to disclosure to this full Commission at the following meeting. Ms. Pesec seconded the motion.

All voted "Aye."

The members wanted something put into writing and Mr. Webster stated it is easier to rescind a resolution than it is to amend the Bylaws. He was asked and agreed to draw up a resolution to be presented at the next meeting concerning this.

ANNOUNCEMENTS

Mr. Webster gave the following information on meetings to be held in the near future:

- OPC APA Conference coming soon.
- OPC Cleveland 2007 Planning & Zoning Workshop, November 9, 2007, in Cleveland for \$85 with a registration deadline of October 26.
- The Economic Development Council Forum, October 17, 2007, at LaMalfa in Mentor for approximately \$20. There will be more information available at the September meeting.

Ms. Pesec moved that fee and transportation costs would be paid if the Commission members would like to attend the OPC Cleveland 2007 Planning and Zoning Workshop. Mr. Zondag seconded the motion.

All voted "Aye."

SUBDIVISION REVIEW

Mr. Radachy stated that nothing was submitted or recorded this month. Nothing was submitted for construction, maintenance or pre-application meetings. Commons of Concord, a new commercial subdivision near Crile Road Hardware, is moving forward towards being accepted for construction. This will be reported at next month's meeting.

Staff did create new applications and agricultural/personal recreation affidavits for large lot subdivisions. These are to be used for lot splits between five and twenty acres.

LAND USE AND ZONING REVIEW

Perry Township – Proposed Text Amendments to Add Section 318 and Amend Sections 316 and 310

Mr. Radachy introduced one Perry Township zoning case to create a Continuing Care Overlay District. Mr. Radachy explained a chart included in the handout tonight prepared by Mr. Ron Miller of the Hamilton County Regional Planning Commission showing the methods of establishing four types of planned unit developments. The overlay district is not subject to a referendum. Basically, this would be used for an aging community like Breckenridge Village in Willoughby where a person starts out in a nice home or apartment, then moves into an assisted living home and finally into a nursing care facility as deemed necessary. It is self-contained with stores and a library on the same 25 acre development.

The main concern the staff and the Land Use and Zoning Committee had was that this residential district was being placed into an I-2, heavy industry zone that would not require a 40-foot buffer between this development and the surrounding heavy industry. This buffer would be necessary if it were to be placed in residential.

An additional concern was that the submitted language was weak in notifications. Mr. Radachy had sent out an email on the OPC list server asking how other communities handled this and most of them responded that they would at least send some kind of notice to the adjacent property owners. They were not sending the certified notices required by law, but were sending a \$.41 letter saying they were having a meeting discussing zoning on a property adjacent to them.

A third concern is that child care facility is listed as an accessory use. This could place children in harm's way if something went wrong with one of the surrounding heavy industries.

The Land Use and Zoning Committee recommended the creation of the CCOD, but suggested this overlay be placed in a business or residential district where the uses are more suited to what they are proposing and to include the following suggestions made by staff:

Major Issues:

1. I-2, Heavy Industry is the zone that allows foundries, brewing and distilling of liquors, meat packing, etc. I-2 does not currently allow residential uses in the zone. If this overlay is allowed to be placed into the I-2, the Township could have a meat packing plant next door to the Continuing Care Community.
2. The CCOD development would be required to provide a 40-foot transition buffer to R and ER residential districts, but the I-2 Heavy Industrial uses are not required to provide a 40-foot transition buffer to these communities.

Minor Issues:

1. This overlay is to create a development for older citizens; why are child day cares listed

- as an accessory use?
2. The text changes reference the overlay district from Continuing Care Overlay District to CCOD to CCOD District. It should be referenced as Continuing Care Overlay District (CCOD) in the first paragraph and as CCOD the rest of the way through the text.
 3. 318.02 (D), (E), and (F) should be moved to 318.05 development standards because they are the minimum requirements needed in order to apply for the overlay zone.
 4. Doctor's offices do not have the prohibition of signs that places of worship and supporting retail and banks have. The prohibition of signs for places of worship and supporting retail will make it difficult for the residents and the staff to find them. Places of worship and supporting retail should be allowed to have a small sign too so they can be found by the residents. The signs can be limited to the same size as home-based occupations. Doctor's offices should be limited to the same sized signs.
 5. Parking should be listed in the parking section.

Staff recommends placing the overlay zone into an R, ER or B zone. Residential uses are allowed in these zones, and health care facilities are allowed in the B zones. Placing it into an I-2 zone would be detrimental to the future residents because it would not be compatible with the other uses of the I-2 District.

Changes to the CCOD language:

1. Remove child day care from the list of accessory uses.
2. Allow small two-square foot signs for doctor's offices, places of worship and supporting retail.
3. Require a 40-foot transition buffer from non-residential uses to these facilities.
4. Move 318.02 (D), (E), and (F) to 318.05 development standards.
5. Refer to the district as Continuing Care Overlay District (CCOD) in the purpose statement and as CCOD the rest of the way through the text.
6. Move parking to Section 408.

Mr. Condon was concerned that a public hearing was set for August 14 and the Township was asking for the Commission's advice now. Mr. Condon questioned the value of our opinion when it would not be received by Perry Township until after the public hearing.

After a lengthy deliberation on a multitude of concerns, questions and issues involved in the writing of this text and because this involved a new method of establishing a planned unit development, the members wanted to deny or table this request to allow more time for further review, research and documentation of questions on issues and possible options for their recommendations to the Township. It was understood that the Township would not act on this text change until it had received the Planning Commission's recommendations.

Mr. Troy moved to respond to Perry Township that, based on unanswered questions and a lot of complexities in this issue, the Lake County Planning Commission is not prepared to make a recommendation to them until it receives more information. He also moved to authorize the Director and/or the Chairman to correspond accordingly to Perry Township. Ms. Hausch seconded the motion.

The Chair stated that Mr. Zondag, Ms. Peseć, Mr. Webster and Mr. Radachy agreed to put together a list of questions to allow the Commission to recommend further on this issue.

All voted "Aye."

REPORTS OF SPECIAL COMMITTEES

CORRESPONDENCE

OLD BUSINESS

Painesville Township Comprehensive Plan Update

Mr. Zondag moved to accept the 2007 Comprehensive Plan for Painesville Township as an amendment to the Lake County Comprehensive Plan. Mr. Adams seconded the motion.

Ms. Peseć felt the natural resource section should be brought closer to the front and become a more integral part of all of our comprehensive plans as opposed to what she thought was more like an addendum. She thought it was a fabulous plan that required much hard work.

All voted "Aye."

NEW BUSINESS

PUBLIC COMMENT

EXECUTIVE SESSION

ADJOURNMENT

Mr. Troy moved to adjourn at 8:35 p.m. Mr. Zondag seconded the motion.

All voted "Aye."